



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

January 28, 2004

SUBJECT: **2003-0929 - Cingular Wireless [Applicant] Sycamore Lakes Parks**: Application for a 3.15 acre site located at **555 East California Avenue** in an M-S (Industrial & Service) Zoning District. (APN: 204-46-007) DO

Motion Use Permit to allow 15-foot high rooftop antennas on an existing building.

REPORT IN BRIEF

Existing Site Industrial Building

Conditions

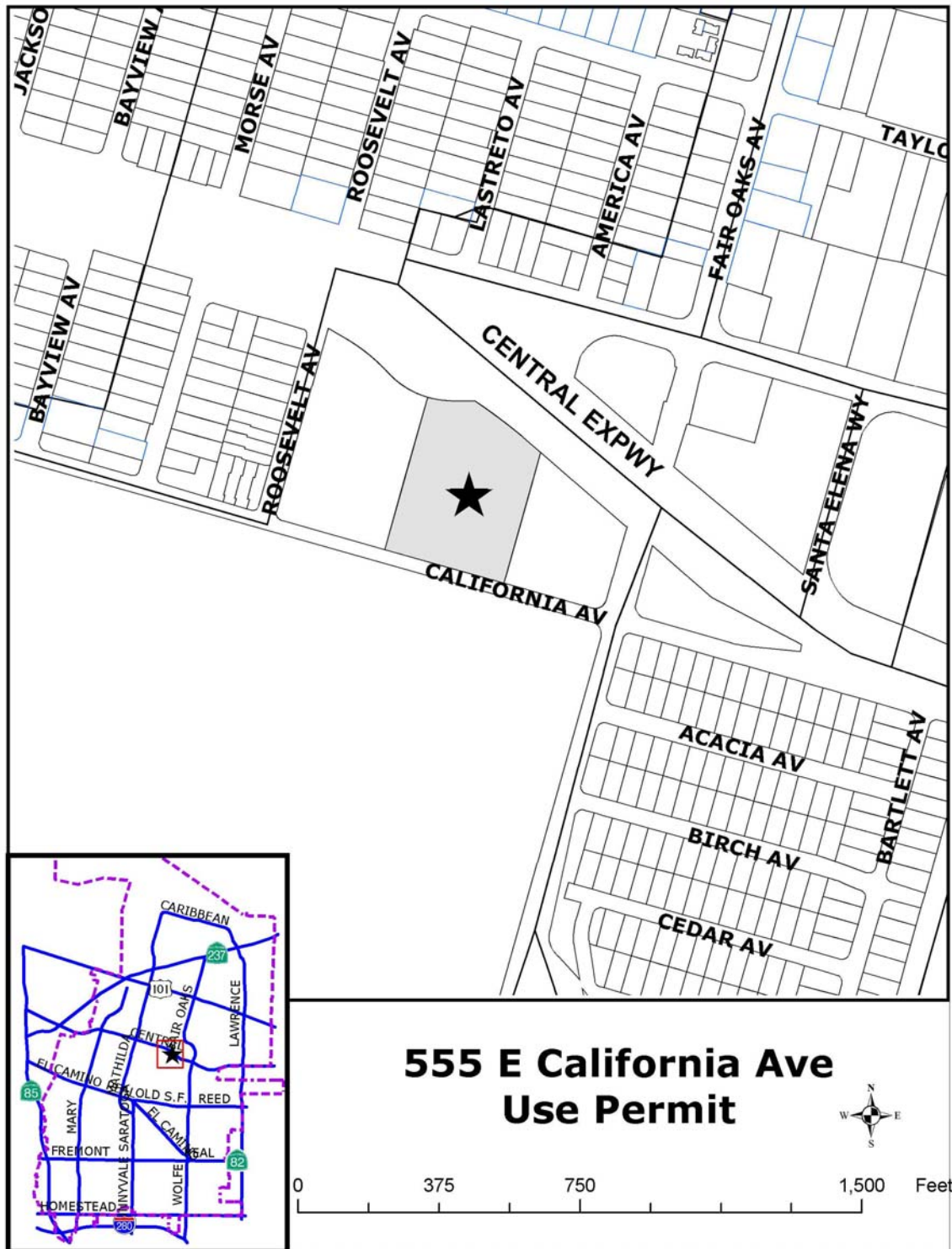
Surrounding Land Uses

North	Central Expressway and residential
South	Northrup Grummon site
East	Industrial
West	Industrial

Issues Visual impact of the antenna

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Industrial-to-Residential (Low-Medium Density)	Same	Industrial
Zoning District	M-S	Same	M-S
Lot Size (s.f.)	137,214	Same	20,000 min.
Gross Floor Area (s.f.)	66,850	Same	max.
Floor Area Ratio (FAR)	48% FAR	Same	35 % max.
Building Height (ft.)			max.
Height of proposed Antennas	N/A	15 ft.	15 ft. max with minor Use Permit
Setbacks of antennas (facing prop.)			
• Front	N/A	337 ft.	No min.
• Left Side	N/A	80 ft.	No min.
• Right Side	N/A	128 ft.	No min.
• Rear	N/A	92 ft.	No min.

ANALYSIS**Background**

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
9461	Special Development Permit to allow development of a 66,680 sq. ft. industrial building.	City Council Approved	07/29/97
9341	Tentative Map to allow subdivision of one parcel into two.	Administrative Hearing Approved	04/16/97

Description of Proposed Project

The proposed project is to add two wireless communication antenna sites on the roof of an existing industrial building with associated equipment at the ground level. The proposed antennas extend 15 ft. above the roof parapet, requiring a minor Use Permit.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor additions to existing facilities.

Use Permit

Use: This communication facility would provide wireless telecommunications services for Cingular Wireless. This site is one of a network of transmit/receive stations that carry signals between users on the network. This facility will be serviced by a technician on an as-needed basis, which is typically once per month.

Site Layout: The site is occupied by an existing industrial building that faces California Avenue with Central Expressway to the rear. The location of the antennas is at the back of the building, approximately 92 ft. from the rear property line and Central Expressway. Staff is not concerned about significant visual impact of these antennas on Central, as the roadway is at least 15 ft. below the grade level of the site and will be difficult to see.

Description of Antennas: The proposed antennas are encased in two mock vents, known as radomes that are made of fiberglass material and attached to the roof of the building. The radomes are intended to mask the various cables and equipment associated with the antennas and be painted to match the building.

The original application proposed radomes with a 46 inch diameter. After working with staff, the proposal has been reduced to 24 inches to reduce the visual impact of the structures. Staff explored the possibility of reducing the height of the antennas to further minimize visual impact; however, this does not meet the applicant's need for signal distance and the necessary angle to reach users using Central Expressway.

Ground Equipment and Landscaping: The proposed equipment cabinets will be placed along the rear building wall and will not be visible from the street. These cabinets are metal box-like units which will be painted to match the building. Staff discussed the possibility of screening these cabinets with a

wall. This screening wall could be installed, but a sliding gate would be needed to provide access to the equipment without interfering with the parking spaces. This sliding gate would require the removal of further landscaping and additional bollard installation. After considering these options, staff believes that requiring the cabinets to be painted to match the building is a better solution than requiring an additional wall, gate and bollard system.

The proposed cabinets displace approximately 168 sq. ft. of landscaping. Requiring additional landscaping would remove parking spaces from the site. Because removal of landscaping is minor, approximately 0.1% of the site size, staff does not recommend adding landscaping at this time.

Parking/Circulation: No parking is proposed to be removed as a result of this application.

Compliance with Development Standards

This project is in compliance with development standards for the zoning district.

Expected Impact on the Surroundings

There will be a slight visual impact from California Avenue and a moderate impact from the residential neighborhood across Central Expressway.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the adjacent property owners of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Alternative 1.

Prepared by:

Diana O'Dell
Project Planner

Reviewed by:

Fred Bell
Principal Planner

Attachments:

1. Findings
2. Conditions of Approval
3. Site and Architectural Plans
4. Letter from the Applicant

Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The Wireless Telecommunications Policy promotes retention of local zoning authority when reviewing telecommunication facilities. The zoning code requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed facility is compliant with all wireless telecommunication development standards:
 - The project meets all FCC RF emissions standards.
 - The project is 450 ft. away from the nearest residential property, and the antennas are screened to match the building.
 - The project is not readily visible from any major arterial streets, freeways or expressways.
 - The project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.
 - The proposed ground equipment will be located behind the building and will be painted to match to reduce the appearance.
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the project will have minimal visual impact and fall within the allowable FCC RF emission standards.

Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this permit:

1. Submit for Building Permits prior to construction/installation activity.
2. Reproduce the conditions of approval on the plans submitted for building permits.
3. Any major modification or expansion of the approved use shall be approved at a separate public hearing by the Director of Community Development. Minor modifications shall be approved by the Director of Community Development.
4. Every owner or operator of a wireless telecommunication facility shall renew the facility permit at least every five (5) years from the date of initial approval.
5. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communications Commission and the Federal Aviation Administration.
6. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
7. The owner or operator of any facility shall obtain and maintain current at all times a business license issued by the city.
8. The owner or operator of any facility shall submit and maintain current at all time basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
 - a. Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from owner, the identity and legal status of the person or entity responsible for operating the facility.
 - b. Name, address, and telephone number of a local contact person for emergencies.
 - c. Type of service provided.
9. All facilities and related equipment, including lighting, fences, shields, cabinets and poles, shall be maintained in good repair, free from trash,

debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.

10. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall only be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed and exterior noise level of 60 dB at the property line.
11. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
12. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action, or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
13. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. A pollutant means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
14. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down

systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.

15. No wireless telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.
16. Notify other carrier (Sprint PCS) of co-location on tower, and advise them of the need to provide all necessary safety instruction for all maintenance personnel.
17. Provide all necessary safety instruction for all maintenance personnel.